



FAO-94-1991 and other connected cases

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 26.09.2024

1. FAO-94-1991

UNION OF INDIA

...Appellant

Vs.

DALIP SINGH

..Respondent

2. FAO-85-1991

UNION OF INDIA

...Appellant

Vs.

GURDIAL SINGH

...Respondent

3. FAO-86-1991

UNION OF INDIA

...Appellant

Vs.

BAHAL SINGH

...Respondent

4. FAO-87-1991

UNION OF INDIA

...Appellant

Vs.

HAKAM SINGH

...Respondent

5. FAO-88-1991

UNION OF INDIA

...Appellant

Vs.

BHAG SINGH

...Respondent



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6.	FAO-89-1991	
	UNION OF INDIA	...Appellant
	Vs.	
	INDER SINGH	...Respondent
7.	FAO-90-1991	
	UNION OF INDIA	...Appellant
	Vs.	
	UJAGAR SINGH	..Respondent
8.	FAO-91-1991	
	UNION OF INDIA	...Appellant
	Vs.	
	BAKHTAWAR SINGH	..Respondent
9.	FAO-92-1991	
	UNION OF INDIA	...Appellant
	Vs.	
	GURNAM SINGH	..Respondent
10.	FAO-95-1991	
	UNION OF INDIA	...Appellant
	Vs.	
	DEPUTY SINGH	..Respondent



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11.	FAO-96-1991	
	UNION OF INDIA	...Appellant
	Vs.	
	DHAM KAUR	..Respondent
12.	CR-4806-1994	
	UNION OF INDIA	..Petitioner
	Vs.	
	DHAN KAUR & OTHERS	..Respondents
13.	CR-4807-1994	
	UNION OF INDIA	..Petitioner
	Vs.	
	INDER SINGH & OTHERS	..Respondents
14.	CR-4808-1994	
	UNION OF INDIA	..Petitioner
	Vs.	
	GURNAM SINGH & OTHERS	..Respondents
15.	CR-4809-1994	
	UNION OF INDIA	..Petitioner
	Vs.	
	UJAGAR SINGH & OTHERS	..Respondents



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16. CR-4810-1994

UNION OF INDIA

Vs.

..Petitioner

BEHAL SINGH & OTHERS

..Respondents

17. CR-4811-1994

UNION OF INDIA

Vs.

..Petitioner

DALIP SINGH & OTHERS

..Respondents

18. CR-4812-1994

UNION OF INDIA

Vs.

..Petitioner

BAKHTAWAR SINGH & OTHERS

..Respondents

19. CR-1576-1995

UNION OF INDIA

Vs.

..Petitioner

BHAG SINGH AND ORS

..Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Arun Gosain, Sr. Govt. Counsel,
for the UOI-appellant in all FAOs and
for the petitioner in all revisions.

None for the respondents.

RAJBIR SEHRAWAT, J. (Oral)

FAOs

1. This order shall dispose of the above-mentioned 11 FAOs.

However, since the basic facts are almost similar in all these cases,

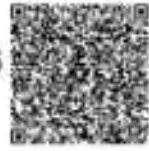
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therefore, the facts are mainly being taken from FAO-94-1991.

2. The present appeal has been filed challenging the Award dated 16.11.1990 passed by the Additional District Judge (Arbitrator), Faridkot.

3. Brief facts of the case are that land measuring 55-56 acres, situated in the revenue estate of village Qilla Nau, Kamiana and Faridkot Town, was acquired for the defence purposes, and the award in that regard was passed on 14.02.1973. When the award was announced by the Collector, it was announced only regarding the value of the land. No award was passed qua the compensation payable for the assets existing on the said land. The land-owner(s) kept on pleading with the Collector for passing the supplementary award qua the assets. However, no such award was passed. Ultimately, the land-owner(s) filed CWP-2091-1983 seeking a direction to the Collector to pass a supplementary award. The said writ petition was allowed by this Court. Accordingly, the supplementary award qua the assets was passed on 17.08.1984. As has come on record, feeling aggrieved against the supplementary award, the land-owner(s) sought a reference to the Court somewhere in the year 1985. Pursuant to that, the appointment of Arbitrator was notified on 06.10.1986. After appreciating the material brought on record by the parties, the Court below determined the value of compensation payable to the land-owner(s) for the assets, specifying separately as to what amount is payable to which of the land-owner(s) for the assets on his land. While awarding such compensation, the court below also awarded solatium at the rate of 30% and the interest at the

rate of 9% for the first year and at the rate of 15 per annum for the

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remaining period till the date of payment. Besides this, the land-owner(s) held entitled to the costs of litigation. Challenging the said award passed by the Arbitrator, the present appeal has been filed.

4. Since the matter pertains to cases; the files of which were burnt in the fire incidents which had taken place in the years 1996 and 2011; and the file has only partly been reconstructed, therefore, this Court is deprived of the full reference of the entire record of the case. However, as an answer to the query from the Bench, learned counsel for the appellant has not disputed the fact that the amount of compensation has already been paid to the entitled land-owner(s). This aspect is fortified by the fact, as is not disputed by the counsel for the appellant, that the stay in these appeals was even declined by this Court on 22.07.1991, and it was ordered that the payment shall be made subject to furnishing of security by the land-owner (s).

5. Arguing the case, counsel for the appellant has submitted that since there is no provision for grant of solatium and interest under the Requisitioning and Acquisition of Immovable Property Act, under which the present acquisition had been undertaken, therefore, the court below has gone wrong in law in granting the said benefits to the land-owner(s). It is reiterated by the counsel for the appellant that since the issue involves grant of financial benefits, therefore, unless there is a specific provision in the statute, the financial liability could not have been fastened upon the appellant. Hence, the court below has totally gone wrong in law and, thus,

the award passed by the court below deserves to be set aside.

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6. No other material argument has been raised.
7. Having considered the arguments raised by counsel for the appellant-UOI, and having perused the case file, this Court is of the opinion that, in ordinary course, the arguments of counsel for the appellant would have some force, however, the Hon'ble Supreme Court in **Union of India Vs. Hari Krishan Khosla** (1993) Supp. 2 SCC 149, has already clarified the legal proposition. In the said judgment, it has been held that if there is a delay in appointment of arbitrator, despite the request made by the land-owner(s), the Court would be well within its authority to grant solatium and the interest on the compensation, as well. Hence, delay caused by the State authorities has been recognized as a valid ground for compensating the land-owner(s) with solatium and the interest. So far as the present case is concerned, the facts of the case itself would show that the supplementary award qua the assets on the land was announced by the Collector after more than 10 years, even that when he was so directed by this Court in a writ petition filed by the land-owner(s). Therefore, this delay happens to be only on the part of the Collector, and the land-owner(s) cannot be put to disadvantage for lapse of this long time. So far as the request of seeking reference is concerned, the record shows that notification for appointment of the Arbitrator was issued on 06.10.1986. Therefore, it is obvious that the land-owner(s) in the present case, would have approached for the appointment of the Arbitrator within a reasonable times after the supplementary award was passed by the Collector. Hence, by all standards, the delay in payment of compensation of the supplementary award is solely

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attributed to the State authorities/Collector, and not the land-owner(s). Hence, the grant of solatium and the interest by the court below, is fully justified and is squarely covered by the law laid down by the Hon'ble Supreme Court in **Hari Krishan Khosla's case (supra).**

8. In view of the above, finding no merits in the present appeals, the same are dismissed.

Civil Revisions:

9. Since the FAOs involving the main issue itself have been dismissed hereinabove, therefore, all the eight civil revisions are dismissed.

26.09.2024

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No